IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 11TH SEPTEMBER 2007 / 20TH BHADRA 1929

WP(C).No. 20450 of 2007(H)

PETITIONER:

ABDUL SALEEM, AGED 32,
S/O.ABDUL RAHMAN, MELVEETTIL HOUSE,
MANASSERY MUKKOM, KOZHIKODE.

BY ADV. SRI.P.SHAIJAN JOSEPH

RESPONDENTS:
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1. THE REGIONAL TRANSPORT OFFICER,
ADDITIONAL REGISTERING AUTHORITY,
SUB REGIONAL TRANSPORT OFFICE,
KODUVALLY, KOZHIKODE DISTRICT.

2. THE TRANSPORT COMMISSIONER,
THIRUVANANTHAPURAM.

3. STATE OF KERALA, REPRESENTED BY
SECRETARY, TRANSPORT DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.BENJAMIN PAUL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO. 20450/07

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: TRUE COPY OF SALES CERTIFICATE DATED 5.6.07 OF THE VEHICLE OF THE PETITIONER.

EXT.P2: TRUE COPY OF TEMPORARY REGISTRATION CERTIFICATE DATED 5.6.07 ISSUED FROM REGIONAL TRANSPORT OFFICE, MALAPPURAM.

EXT.P3: TRUE COPY OF APPLICATION FORM DATED 23.6.07 FOR REGISTRATION SUBMITTED BY THE PETITIONER.

EXT.P4: TRUE COPY OF REPRESENTATION DATED 25.6.07 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.

EXT.P5: TRUE COPY OF PHOTOGRAPH OF THE VEHICLE OF THE PETITIONER.

EXT.P6(a): TRUE COPY OF JUDGMENT IN OP 15572/99 DATED 14.7.06.

EXT.P6(b): TRUE COPY OF INTERIM ORDER IN CMP 25298/99 IN OP 15572/99 DATED 1.7.99

EXT.P7: TRUE COPY OF SALE CERTIFICATE ISSUED BY THE DEALER.

EXT.P8: TRUE COPY OF PHOTO OF VEHICLE STATED IN EXT.P6(a) JUDGMENT.

//TRUE COPY//

ANTONY DOMINIC, J.
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W.P.(C) NO. 20450 OF 2007
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Dated this the 11th day of September, 2007

J U D G M E N T

The prayer sought for in this writ petition is to direct the respondent to register the vehicle of the petitioner mentioned in Ext.P3 as a light motor vehicle without insisting on change of colour into yellow. Further prayer is to declare that the vehicle in question is not a goods carriage vehicle under the Motor Vehicles Act. An identical issue was considered by this court in the judgment in **Vijayakumar v. State of Kerala (2006(3) KLT 546)** and the writ petition was disposed of directing the respondents to decide as to whether the vehicle is to be treated as a goods vehicle. It was also ordered that if it is so found, petitioner will be at liberty to file an application for exemption in terms of Rule 334, which will be entertained in accordance with law. Following the same judgment, this

writ petition is also disposed of directing the respondents to decide as to whether the vehicle in question is a goods vehicle and if it is not so, the registration will be granted as sought for by the writ petitioner. If it is found to be a goods vehicle, petitioner will be entitled to apply in terms of Rule 334, in which event, the request of the petitioner will be considered.

Writ petition is disposed of as above.

ANTONY DOMINIC, JUDGE.

Rp